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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,503	06/26/2003	Jeyhan Karaoguz	14046US02	5221
23446 7590 06/26/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER BURROWES, LAWRENCE J	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,503

Applicant(s)

KARAOGUZ ET AL.

Examiner

LAWRENCE J. BURROWES

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For claims 7-12, the claims are directed to a computer program per se since "a machine-readable storage" is claimed. The "machine" is not a computer-readable medium or computer. On page 52 of the interim guidelines, it states that data structures or computer programs not claimed as embodied in a computer readable media are descriptive material per se and are not statutory because they are not capable of causing a functional change in a computer.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 7, the specification does not provide adequate support for "a machine-readable storage". The specification does not provide a definition as to what the machine is or what is a machine-readable storage.

Claims 8-12 are rejected because they depend on claim 7.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the recitation of "a machine-readable storage" is vague and indefinite because since it is not understood as to what machine applicant is referring to.

Claims 8-12 are rejected because they depend on claim 7.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 7-9, and 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al (6,049,533, hereafter Norman) in view of Mitts et al (5,896,373, hereafter Mitts).

For claims 1-4, 7-10 and 13-16, Norman disclose providing communication in a hybrid wired/wireless local area network, the method comprising: at least one broadcaster (see Figure 3 Box 42, transceiver) broadcasting at least one discovery message protocol message to at least one of a plurality of access points (see column 11 lines 34-39) and at least one receiver (see Figure 3 Box 42, transceiver) receiving a response from the at least one of a plurality of access points, the response reporting a presence of at least one access device located

within a coverage area of the at least one of a plurality of access points (see column 11 lines 34-39.

Norman disclose all of the subject matter of the claimed invention except a requester sending/requesting from the at least one of a plurality of access points, a status of the at least one access device located within a coverage area of the at least one of a plurality of access points and receiving from the at least one of a plurality of access points within whose coverage area the at least one access device is located, at least one status reply message indicating a status of the at least one of a plurality of access devices.

Mitts from the same or similar fields of endeavor teaches a requester (see Figure 1 Box 5) sending/requesting from the at least one of a plurality of access points, a status of the at least one access device located within a coverage area of the at least one of a plurality of access points (Figure 2a and column 5 lines 41-51, the requester sends and receives a status message or reply from the access point) and receiving from the at least one of a plurality of access points within whose coverage area the at least one access device is located, at least one status reply message indicating a status of the at least one of a plurality of access devices (Figure 2a and column 5 lines 41-51, the access point replies with a status message).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the status request of Mitts in the broadcast system of Norman. The status request can be modified/implemented into the

broadcast system by programming the access point to send a message requesting status of the access device. The motivation for doing so would be in order to increase efficiency of handover of a mobile between access point coverage areas.

10. Claims 5, 6, 11, 12, 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Norman, in view of Mitts, and further in view of Freeburg (4,481,670).

For claims 5, 6, 11 and 12, Norman in view of Mitts teach the system according to the limitation for claims 1 and 7 above except broadcasting the discovery message from one of a server, a switch and at least one of the access points and broadcasting only to access points located in a particular subnetwork.

Freeburg from the same or similar fields of endeavor teaches broadcasting the discovery message from one of a server (see Figure 1 Box 102), a switch (see Figure 1 Box 104) and at least one of the access points (see Figure 1 Box 106) and broadcasting only to access points located in a particular subnetwork (see Figure 2 Box 212, 222 and 232).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the communication system of Freeburg in the broadcasting system combination of Norman and Mitts. The communication system can be modified/implemented into the broadcast system by connecting the server and the switch to the wired network. The motivation for doing so would

offload processing in access point to the server so the access points would not be overloaded.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cromer et al (2004/001467), Lee et al (6621809), Blakeny, II et al (5638412), Cromer et al (2004/0203818), Lietsalmi et al (6552877), and Cheung et al (5812531).

Response to Arguments

11. Applicant's arguments, see pages 10-11, filed 14 June 2007, with respect to 101 rejections have been fully considered and are persuasive. The 101 rejections of claims 1-6 have been withdrawn.

12. Applicant's arguments, see pages 10-11, filed 14 June 2007, with respect to the 101 rejections for claims 7-12 have been fully considered but they are not persuasive.

13. Applicant's arguments, see pages 13-18, filed 14 June 2007, with respect to the rejection(s) of claim(s) 1-4, 7-10 and 13-16 under Norman in view of Cromer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Norman in view of Mitts.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE J. BURROWES whose telephone number is (571) 270-1419. The examiner can normally be reached on Monday - Thursday 5:30am - 2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJB



6/25/07
WING CHAN
SUPERVISORY PATENT EXAMINER